



8-8-05

NCE #  
IFWDocket No: AHP92038-2-C  
Patent**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re of Application of: Alan R. Davis *et al.*  
Application No.: 09/457,421 Group Art No.: 1648  
Filed: December 07, 1999 Examiner: Le, Emily M.  
For: Recombinant Adenovirus Vaccines  
Confirmation No.: 7663  
Customer Number: 25291

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

August 5, 2005

Dear Sir:

**TRANSMITTAL LETTER**

Enclosed please find the following documents for the above-identified application:

1. A Response to Official Action mailed on April 25, 2005;
2. A Request for Continued Examination; and
3. A Petition for a one-month Extension of Time.

The Commissioner is hereby authorized to charge any additional fees required by this paper, including the enclosed documents, and during the entire pendency of this application and to credit any excess amounts paid to Deposit Account No. 01-1425. A copy of this letter is enclosed for use by the Deposit Account Branch.

Respectfully submitted,

Bill T. Brazil, Ph.D.  
Agent for Applicants  
Reg. No. 50,733

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
Tel. No. (732) 274-4843

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV100496477US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

August 5, 2005  
Date

Karolina Piorek  
Karolina Piorek



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**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL (37 C.F.R. 1.114)**  
**AND PETITION FOR EXTENSION OF TIME**

Dear Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL (37 C.F.R. 1.114)**

This is a request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** *If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. 1.153 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.*

1. Submission required under 37 C.F.R. 1.114

- (a) ☐ Previously submitted  
☐ Consider the amendment(s)/reply under 37 C.F.R. 1.16 previously filed on  
  
(Any unentered amendment(s) referred to above will be entered.)  
☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on  
  
☐ Other:

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August 5, 2005  
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08/09/2005 EFLORES 00000009 011425 09457421

01 FC:1801 790.00 DA  
02 FC:1251 120.00 DA

- (b) ☒ Enclosed  
☒ Amendment/Reply  
☐ Affidavit(s)/Declaration(s)  
☐ Information Disclosure Statement (IDS)  
☐ Other:

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103 (c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17 (i) required)  
b. ☐ Other:

3. Fees [The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.]

The fees are calculated as follows:

- (a) ☒ RCE fee required under 37 C.F.R. § 1.17(e): \$790.00  
(b) ☐ Other: \$0.00

Total Fees: \$790.00

**PETITION FOR EXTENSION OF TIME**

4. (a) ☒ Applicant petitions for an extension of the time for the total number of months checked below:

<input checked="" type="checkbox"/>	One Month.	Fee in the amount of	\$	120.00
<input type="checkbox"/>	Two Months.	Fee in the amount of	\$	450.00
<input type="checkbox"/>	Three Months.	Fee in the amount of	\$	1,020.00
<input type="checkbox"/>	Four Months.	Fee in the amount of	\$	1,590.00
<input type="checkbox"/>	Five Months.	Fee in the amount of	\$	2,160.00

If an additional extension of time is required, please consider this a petition therefor.

**(Check and complete the next item, if applicable)**

- ☐ An extension for \_\_\_\_\_ month(s) has already been secured and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

OR

- (b) ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Extension fee due with this request: \$120.00

5. Method of Payment of Fees:

Charge Deposit Account No. 01-1425 in the amount of: \$910.00.  
A duplicate of this transmittal is attached.

6. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. 01-1425.
7. Authorization to Charge Additional Fees  
☒ If any additional extension and/or fee for claims is required, charge  
Account No. 01-1425.



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Customer Number: 25291

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REMARKS ACCOMPANYING A REQUEST FOR CONTINUED EXAMINATION**  
**UNDER 37 C.F.R. § 1.114**

Dear Sir:

In response to the Official Action of April 21, 2005, Applicants submit herewith an RCE under 37 C.F.R. § 1.114, a Petition for a one-month Extension of Time and Remarks in the above-identified application.

**A listing of the claims** which begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

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